

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 14 November 2008**

CASE No. 2008-LCA-24

ADMINISTRATOR,  
WAGE & HOUR DIVISION,  
Complainant,

v.

LIBSYS, INC.  
Respondent

**DECISION AND ORDER APPROVING SETTLEMENT  
AGREEMENT AND CONSENT FINDINGS**

The above-captioned case arises under the Labor Condition Applications and Requirements for Employers using Aliens on H-1B Visas in Specialty Occupations, 29 C.F.R. § 507.700 et seq., 20 C.F.R. Part 655, Subparts H and I. On May 12, 2008, the U.S. Department of Labor filed a complaint alleging that Libsys, Inc. committed the following violations: failed to pay wages as required; misrepresented a material fact on the Labor Condition Application; substantially failed to provide notice of the filing of the Labor Condition Application; failed to specify accurately on the Labor Condition Application; failed to make the required displacement inquiry of a secondary employer; failed to make available for public examination the Labor Condition Application and other documents as required; and failed to comply with the provisions of subpart H and I. On May 22, 2008, the Department of Labor was notified by Jennifer Chen, counsel for Respondent, that she was representing the Respondent. She requested appealing the determination dated May 12, 2008 and requested a hearing. On June 23, 2008, a hearing was scheduled for February 24-25, 2009 in Chicago, Illinois.

On November 12, 2008, the undersigned received a signed settlement agreement and consent findings to be approved pursuant to 29 C.F.R. § 18.9. I have carefully reviewed the terms of the settlement agreement and consent findings, and find them to be fair and reasonable and in substantial compliance with the requirements of 29 C.F.R. § 18.9(b). Pursuant to the terms of the consent findings, the parties agree that such constitutes full and complete settlement of all issues in the above-captioned matter. Therefore,

IT IS ORDERED that the Settlement Agreement and Consent Findings are APPROVED.

IT IS FURTHER ORDERED that:

1, This Decision and Order shall have the same force and effect as a Decision and Order made after a full hearing.

2. The entire record shall consist solely of the Determination Letter and the Settlement Agreement and Consent Findings.

3. Any further procedural steps before the Administrative Law Judge and the Administrative Review Board, and any right to challenge or contest the validity of the Settlement Agreement and Consent Findings, and this Decision and Order, with respect to the Respondent's liability arising out of these proceedings, are waived.

4. The alleged violation in the Determination Letter shall be deemed fully resolved by the Settlement Agreement and Consent Findings.

5. The Settlement Agreement becomes final and effective immediately upon the date of issuance of this Decision and Order.

6. This Decision and Order is in accordance with the agreed findings, terms and conditions specified by the parties in the Settlement Agreement and Consent Findings.

7. The parties shall carry out and comply with the provisions of the Settlement Agreement and Consent Findings in all respects.

IT IS ALSO ORDERED that the hearing scheduled for February 24-25, 2009 in Chicago, Illinois is hereby CANCELLED.

**A**

THOMAS F. PHALEN, JR.  
Administrative Law Judge

**NOTICE OF APPEAL RIGHTS:** To appeal, you must file a Petition for Review ("Petition") that is received by the Administrative Review Board ("Board") within thirty (30) calendar days of the date of issuance of the administrative law judge's decision. *See* 20 C.F.R. § 655.845(a). The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties as well as the administrative law judge. *See* 20 C.F.R. § 655.845(a).

If no Petition is timely filed, then the administrative law judge's decision becomes the final order of the Secretary of Labor. Even if a Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. § 655.840(a).

